

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80602 of 2024

Arising Out of PS. Case No.-185 Year-2023 Thana- BARAHAT District- Banka

Horil Choudhary Son of Mihilal Choudhary Village -Mirzapur Ps- Barahat
District -Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Kumar Verma, Advocate
		Mr. Satyaveer Jha, Advocate
For the Opposite Party/s :		Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Barahat P.S. Case No.
185 of 2023, instituted for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. The prosecution case, in short, is that on account of
earlier dispute, the accused persons including the petitioner
started indiscriminate firing on the brother of the informant due
to which he died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No



incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that no specific allegation has been attributed against the petitioner. The allegation levelled against the petitioner is general and omnibus in nature. The petitioner is in custody since 28.06.2024 and has got eight criminal antecedents in which he is on bail. It is further submitted that the deceased was veteran criminal of the locality and had six criminal cases including two cases under Section 302 I.P.C. and perhaps he may have been killed by his enemies but taking advantage of the same, the petitioner has been implicated in the present case. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by this Court vide order dated 01.03.2024 passed in Cr. Misc. No. 11800 of 2024 and order dated 03.04.2024 passed in Cr. Misc. No. 23881 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail *after framing of charge, if not already framed* on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barahat P.S. Case No. 185 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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